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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,406	01/30/2004	Paul Brent Rivers	03-BS049 (BS030571)	6933
7590	01/26/2006		EXAMINER	
Bambi F. Walters P.O. Box 5743 Williamsburg, VA 23188			WOOD, KIMBERLY T	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 01/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,406

Applicant(s)

RIVERS ET AL.

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is an office action for serial number 10/768,406,
entitled Serving Terminal Illuminator.

Election/Restrictions

Claims 1-16 and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 28, 2005.

This application contains claims 1-16 and 22 drawn to an invention nonelected with traverse in Paper filed on March 28, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

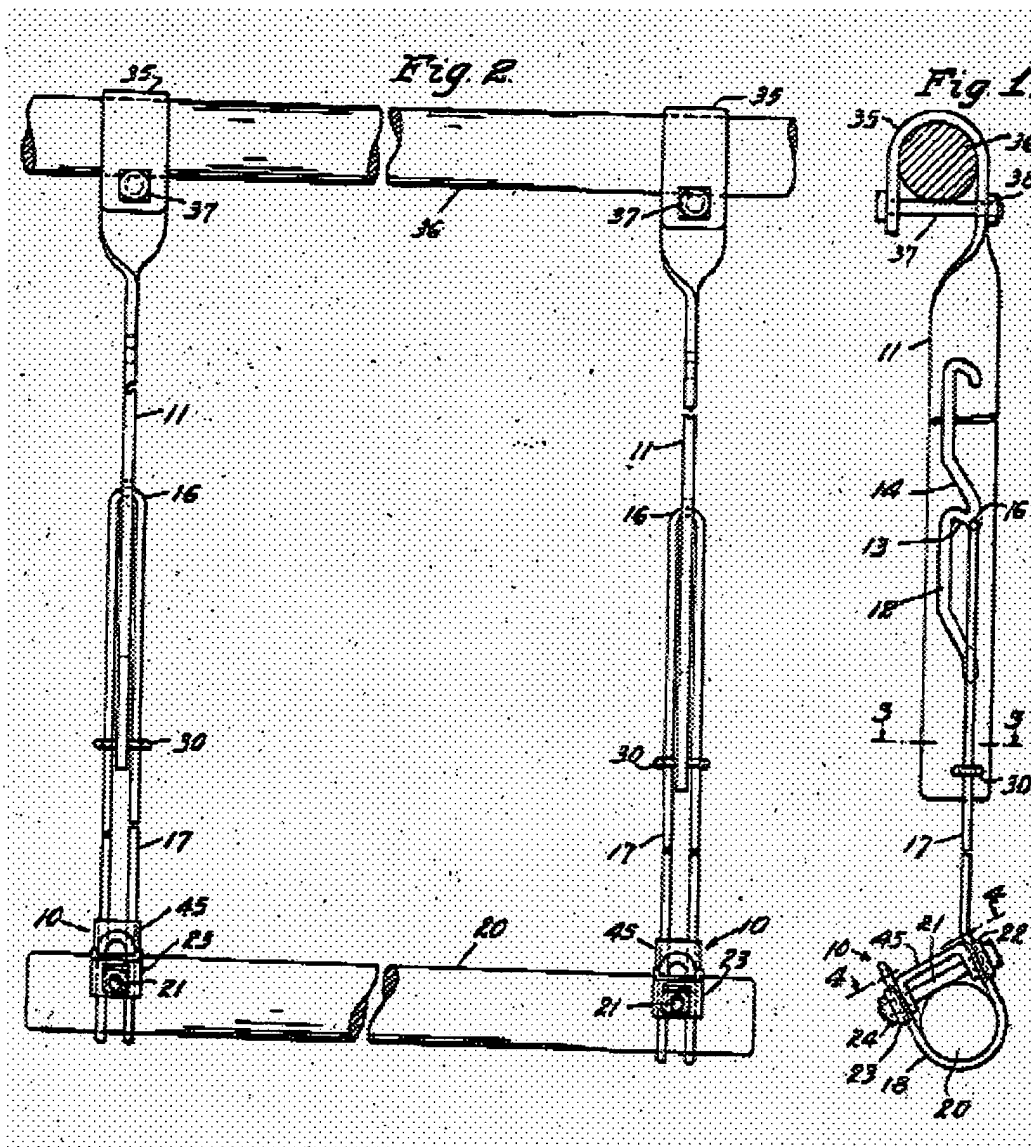
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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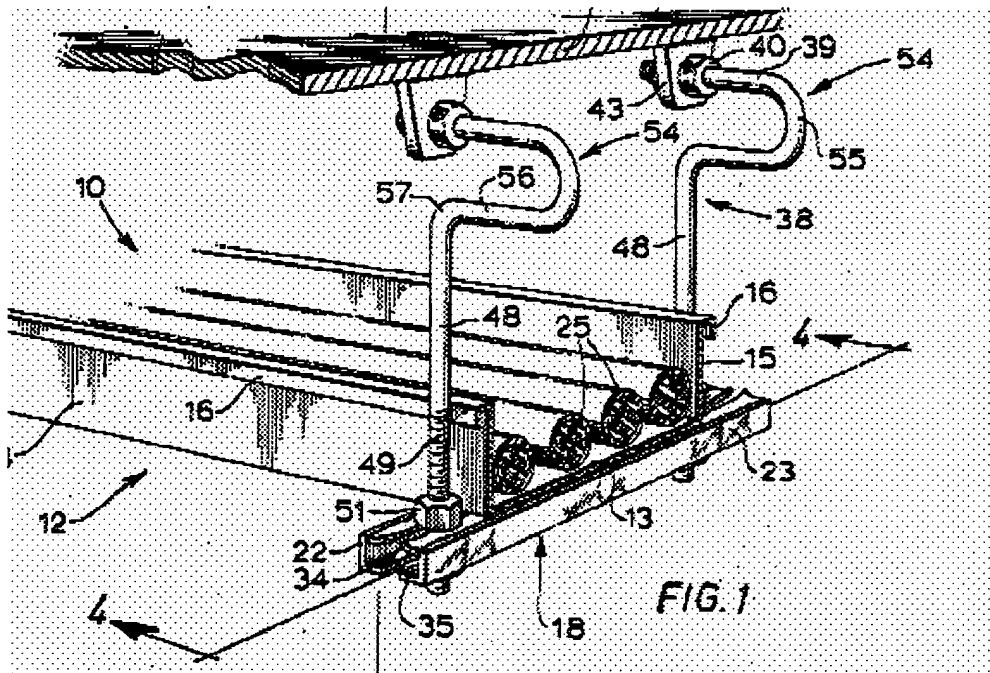
Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witter 2,193,215 in view of Tardoskegyi 3,960,350. Witter discloses a hanging tool support assembly comprising a pair of inverted, parallel J-shaped hangers (figure 2) comprising a front and rear hanger (left and right hanger); the front hanger having a top portion (above 37), a vertically adjustable middle portion (near 16), and a bottom portion (below 17 being 10); the rear hanger comprises a top portion and a movable bottom portion; a tool support base plate (45), a means to secure (21 and 18), an attachment means (37).



Witter discloses all of the limitations of the claimed invention except for the base plate attached to the bottom portion the front hanger and to the bottom portion of the rear hanger. Tardoskegyi teaches that it is known to have a hanging tool support assembly comprising a pair of inverted, parallel U-shaped hangers (54) comprising a front and rear hanger (left hanger and right hanger); each hanger having a free end and a

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downwardly extending arm wherein the front hanger having a top portion (between 57 and 48), a vertically adjustable middle portion (51 being female cylinder and threaded portion is the male shaft), and a bottom portion (52); the rear hanger comprises a top portion (between 57 and 48) and a movable bottom portion (52); a tool support base plate (18), a means to secure (15), an attachment means (40).



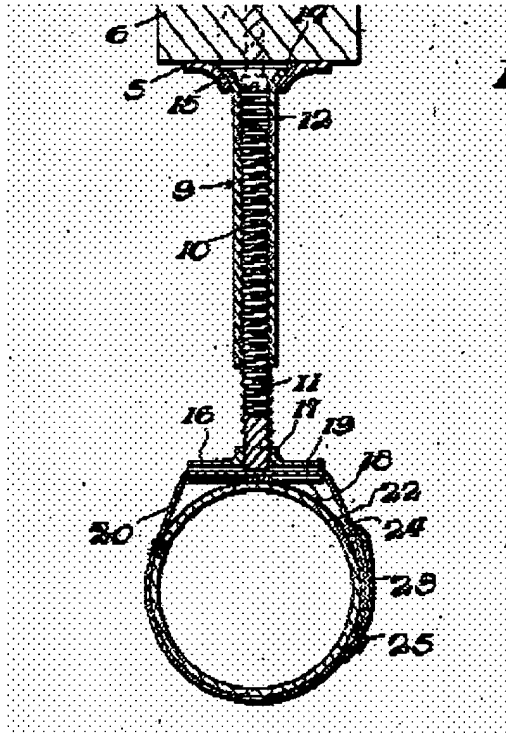
It would have been obvious to one having ordinary skill in the art to have modified Witter to have included the base plate attached to the bottom portion of the front hanger and the moveable bottom portion of the rear hanger as taught by Targoskegyi for the purpose of reducing the number of parts

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being used therefore reducing the cost and reducing the assembly time since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Targoskegyi 3,960,350 in view of Witter 2,193,215, as discussed above. Targoskegyi discloses all of the limitations of the claimed invention except for the inverted parallel J-shaped hanger. It would have been obvious to one having ordinary skill in the art to have modified Targoskegyi to have made the pair of hanger parallel J-shaped as taught by Witter for the purpose of providing a better securing means for attaching the assembly to various supports.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witter in view of Targoskegyi in further view of Flower 2,161,782. Flower discloses a downwardly extending arm comprising a top portion (5), a vertically adjustable middle portion having a female cylinder (10) and a male shaft (11), wherein the female cylinder attaches to the top portion and the male shaft attaches to the bottom portion, and a bottom portion (near 17).

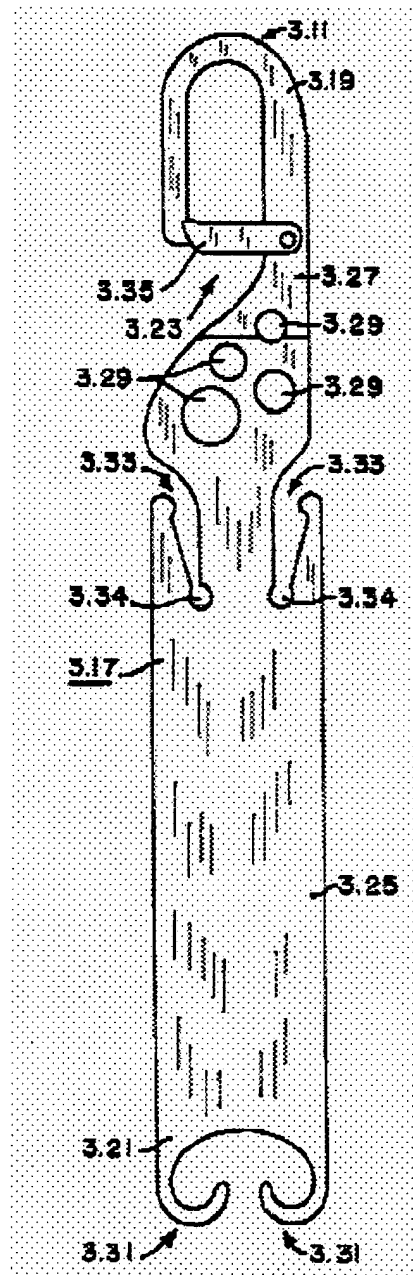
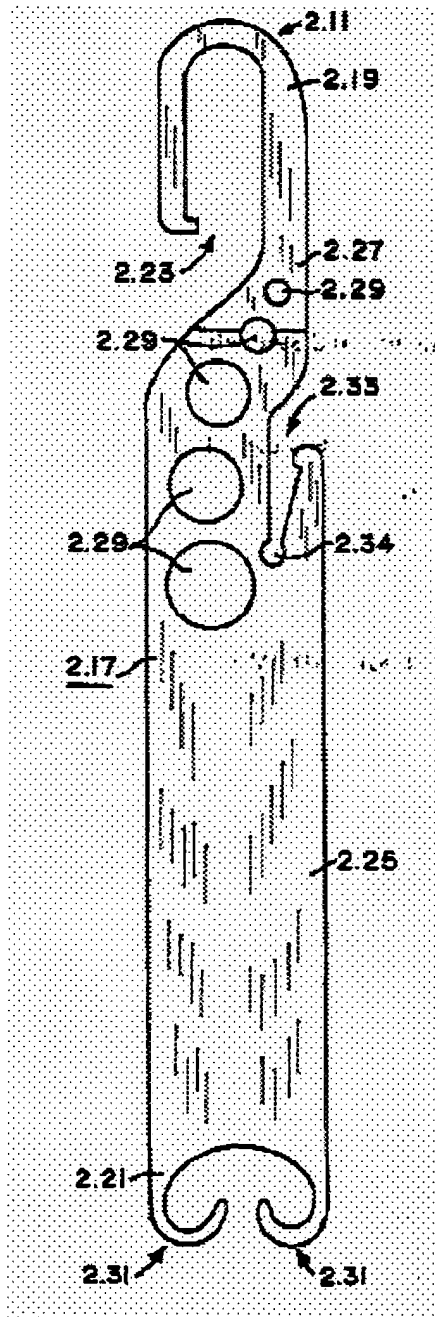


It would have been obvious to one having ordinary skill in the art to have modified Witter in view of Targoskegyi the female cylinder attaches to the top portion and the male shaft attaches to the bottom portion as taught by Flower for the purpose of facilitating adjustment of the length of the hanger.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witter in view of Tagoskegyi in further view of Atchley et al. (Atchley) 2003/0025056A1. Witter in view of Tagoskegyi disclose all of the limitations of the claimed invention except for the attachment means being a lever and a lip wherein the lever attaches to an inner portion of the free end and a lip attaches to an inner portion of the downwardly

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extending end. Atchley teaches that it is known to have a lever (3.35) with a joint and lip (near 2.23).



It would have been obvious to one having ordinary skill in the art to have modified Witter in view of Tagoskegyi to have included the hook as taught by Atchley for the purpose of facilitating removal and attachment of the hanger on the support line. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the lever and the lip wherein the lever attaches to an inner portion of the free end and a lip attaches to an inner portion of the downwardly extending end, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Response to Arguments

Applicant's arguments filed November 16, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed.

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Cir. 1992). In this case, it is in the knowledge generally available to one of ordinary skill in the art to have modified Witter to have included the base plate attached to the bottom portion of the front hanger and the moveable bottom portion of the rear hanger as taught by Targoskegyi for the purpose of reducing the number of parts being used therefore reducing the cost and reducing the assembly time since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

In response to the applicant's arguments that Witter does not disclose a front hanger having a vertically adjustable middle portion and a rear hanger having a movable bottom portion this argument is herein traversed. Witter clearly teaches of an inverted J-shaped hanger (see figure 1) being a front hanger having a vertically adjustable middle portion including the series of cams 14 and the upper end 16 of wire 17 which allows the middle portion of the front hanger to adjust in length therefore being vertically adjustable. Witter also teaches of a second inverted J-shaped hanger (see figure 1) being a rear hanger including a series of cams 14 and the upper end 16 of wire 17 which allows the bottom portion (below 17 being 10) to

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be movable therefore meeting the applicant's claimed invention of a movable bottom portion.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., tool) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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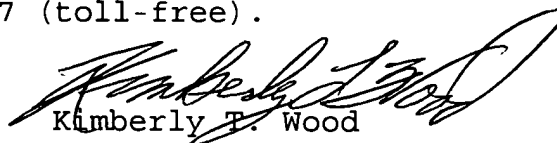
is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly T. Wood
Primary Examiner
Art Unit 3632

January 23, 2006